

**Remarks****Status of Claims**

Claims 1, 3, 6, 9, 10, 12-25, and 89-101 are now pending. Of the claims, 14, 15, and 95 were previously indicated by the Examiner to have allowable subject matter. The rest of the claims stand rejected on the merits.

**35 U.S.C. 112 Rejection of claims**

The Examiner has rejected claims 11 and 92-95 as contradictory to the claims from which they depend. Claim 11 has been canceled, and claim 92 has been amended to clarify that the necking seams equalize the volume of the bladders. This should overcome the 112 rejections.

**Claims 1, 9, and 19-25**

The applicant traverses the Examiner's rejection of the above-identified claims for at least the following reasons.

Claim 1 requires now that the garment that includes at least two bladders of different lengths, but all bladders have substantially the same volume. As understood, none of the cited prior art teach such a device. As is evident from FIGS. 4, 5, and 7 of Sandman, the bladders have the same width but differing lengths. Those FIGS., taken in conjunction with the fragmentary view of FIG. 6, which shows that all bladders have the same depth, discloses therefore that Sandman teaches bladders having different volumes. The applicant acknowledges col. 6, ll. 35-39, wherein the patentee states that "in an alternative embodiment of the compression sleeve of this invention, each chamber of the sleeve may, if desired, have a different volume which can be adapted to conform to the chamber location on the patent's limb." However, the applicant asserts that Sandman is not comparing the size of chambers 240 and 241, but rather is stating that the chosen volumes of the chambers 240 and 241 can be chosen "to conform to the chamber location on the patient's limb."

Even if Sandman was comparing the volumes of chambers 240 and 241, that sentence is simply not enough to teach chambers having different lengths but having substantially the same volume. The drawings clearly show that the width and the depth of the chambers are the same, and the lengths are different. Therefore, the volumes must be different. The applicant

respectfully asserts that claims 1 and all claims depending from 1 are allowable for at least this reason.

#### **Claims 10, 12-18, and 89-98**

Claim 89 is similar to claim 1, and therefore the applicant's arguments with respect to claim 1 are incorporated by reference.

Claims 10 and 92 require a sleeve with at least two bladders of different lengths, and necking seams that equalize the volume of the longer bladders. As understood, none of the cited prior art references, either alone or in combination, teach such a garment. There is absolutely no evidence that the garment of Whitney provides such a sleeve. In fact, the whole purpose of Whitney has nothing to do with volumes of bladders, and Whitney therefore does not teach such a necking seam to equalize volumes of bladders having different lengths.

For at least this reason, claims 10-18 and 89-98 are respectively asserted to be allowable.

It is noted that claim 95 was previously indicated to contain allowable subject matter. Claim 95 has been amended to be dependent upon claim 92. The applicant respectfully asserts that the amendment to claim 95 did not substantially change the claimed subject matter. Thus, claim 95 should still be considered allowable.

#### **Claims 99-101**

Claim 99 contains subject matter that is similar to claim 10, but instead uses a "means plus function" limitation. Based on the disclosure, the "means" clause should be interpreted as necking seams. As such, claims 99-101 are respectfully asserted to be allowable as well, since none of the combination of references teaches bladders having different lengths with necking seams utilized to equalize the volumes.

#### **Claim 3**

Claim 3 now requires a pocket for containing a plurality of tubes. McWhorter does not disclose such a pocket. The applicant even asserts that the teachings of McWhorter are tenuous with regard to the asserted pocket. From the drawings, no delineation of a pocket can be seen. All that can be gained from FIG. 3 is that the tubes 64 and 66 enter the sleeve at different openings barely larger than the tubes themselves. At best, though, even if the examiner's position is correct, McWhorter only teaches a small opening for inserting one tubular structure. McWhorter

does not disclose a pocket for holding a plurality of tubes, and nothing from McWhorter makes it obvious to do so.

**Claim 6**

Claim 6 requires during deflation that the exhaust lines include a throttling device. The examiner refers to U.S. Patent No. 4,013,069 and states that the disclosed device includes throttling devices 124, 130, and 138. However, as understood, those devices are merely valve ports. No evidence could be found that the valve ports 124, 130, and 138 could perform any function other than turning on and off. In other words, the '069 patent does not seem to teach a throttling device, but rather a valve that either allows deflation at a single speed or does not allow deflation. As such, claim 6 is respectfully asserted to be allowable for at least this reason.

For the foregoing reasons, the applicant respectfully requests a notice of allowance be issued in the case.

Respectfully submitted,

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